

**MEETING MINUTES  
CITY OF MILPITAS**

<b>Minutes of:</b>	<b>Special Meeting of Milpitas City Council</b>
<b>Date:</b>	<b>Wednesday, March 1, 2017</b>
<b>Time:</b>	<b>5:30 PM</b>
<b>Location:</b>	<b>Council Chambers, Milpitas City Hall, 455 E Calaveras Blvd., Milpitas CA</b>

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**CALL TO ORDER  
& ROLL CALL**

Mayor Tran called the meeting to order at 5:31 PM. City Clerk Mary Lavelle called the roll.

**PRESENT:** Mayor Tran, Vice Mayor Grilli, Councilmember Nuñez

**ABSENT:** Councilmember Phan. Councilmember Barbadillo arrived in Closed Session and was present for the open session.

**CLOSED SESSION**

City Council immediately convened in Closed Session to discuss one matter of anticipated litigation, as listed on the agenda. There was no announcement out of Closed Session.

Near 6:00 pm, the Pledge of Allegiance was led by the City Manager.

**APPROVAL OF AGENDA**

Staff requested to continue item no. VI (amendments to agreements with solid waste providers) to the March 21, 2017 meeting.

Motion: to approve the agenda, with one item removed

Motion/Second: Vice Mayor Grilli/Mayor Tran

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: 1 (Phan)

**STUDY SESSION**

City Manager Tom Williams identified the meeting objectives, with a desire to get right to establishing Council priorities and work programs for 2017-18. He had asked City Councilmembers to send to him individually their own priorities and so he displayed overhead priorities for the members. He identified those submitted by Vice Mayor Grilli and Councilmember Nuñez. Mayor Tran said he'd submitted a list of ten by e-mail to the City Manager on January 23. His priorities list was distributed by staff, on paper.

Councilmember Nuñez reported that Councilmember Phan was sick this evening. Mr. Nuñez had met with him that morning. Mr. Phan told Mr. Nuñez that agenda items V b & c were his topics along with the issue of wage theft.

Councilmembers discussed issues and where there was overlap of related issues among the Council. The City Manager expressed his expectation that the Council would engage in a dialogue and come to some consensus on issues, and staff could respond on how many are possible and how much cost was associated.

Councilmember Barbadillo said they would need to prioritize, educate themselves as to what's been done on the issues, figure out what's feasible, possibly enhance what's been accomplished and determine how fast some items could get done. His priority items were immediate needs: (1) use of the Milpitas football field soon open to the public (stated some history), (2) senior citizens' support, and (3) parking – a new facility more open to the public with access parking and restrooms.

Mr. Nuñez said there were at least three members who hadn't yet learned of what was done in the past, so they needed some history. There's money available with Measure A and Measure B projects, as identified by one member, so don't let that escape the city.

Vice Mayor Grilli noted there was need to review what's done in the past and then determine what opportunities existed. Transportation, core issues and public safety did need to be discussed. Review the sports fields policy (how it was locked when not in use by a group). Council needed to address parking issues in a pro-active approach. Continue monitoring and addressing odor issues while Newby Island was still operating nearby.

Mayor Tran looked at the list of items, and was positive but the method was not efficient. He would like a worksheet for each Councilmember to submit items in same format. Then, Council could make motions on items and vote on these.

Councilmember Barbadillo spoke of partnership of the Milpitas Unified School District with the City, and described past history when he was on the Planning Commission.

Councilmember Nuñez described in the City, there were two large agencies, City of Milpitas and School District, that needed to be partners. At the last joint meeting of City/School Communication Committee, he and Vice Mayor Grilli had healthy conversation. The MUSD staff was looking at providing education differently, with a recognition of the district's limitation to buy land.

Mayor Tran reviewed his list of priorities that was distributed, with some similarities to others.

City Manager Williams felt he needed to come back and tell the Council what the City had done (rather than what's not been done). He urged hearing from the community on the policy for sports fields. He sought policy direction from the City Council on the priority issues. He referred to changed demographics for the MUSD, which was in conflict with some of the priorities identified. Direct guidance was needed from the Council.

Mayor Tran said he wanted the Council to be efficient at this meeting. He asked the City Manager to create a worksheet with an identical format, and Councilmembers could fill out 10 top policies each wanted to enact, and ten top projects they each want done. That would help get to the same destination.

Vice Mayor Grilli realized some of this would be education of new members. For example, Community Development (facilities) District may need to be explained.

Councilmember Nuñez said the group was trying to set a list of priorities here, not the outcomes. He said the City Manager was here to educate the Council. Later, the City could implement the priorities through the managers on his team. Mr. Nuñez wanted to work on low-income housing, for certain.

Mr. Williams commented on the General Plan and how some of the issues at this meeting could play in to that document. He learned tonight that affordable housing was a major issue for the Council.

Mayor Tran felt there should be a system on how concerns were processed. Some type of flow chart would help.

Mr. Williams stated that staff would never want to get ahead of the Council, with plans or actions about this City. The Council guides and shapes how this City evolves, based on community input.

Mayor Tran suggested to put the first issue up - Affordable Housing - at the forefront. He asked staff to provide history and what options were on this topic, which agencies to work with, what type of policies would be possible and all legal concerns, if applicable.

Councilmember Nuñez looked to staff to figure what goes in the category of low-income housing.

Vice Mayor Grilli agreed with staff working on this, so give them time to put it together and get back later than one next week (in reply to Mayor's comments).

Mayor Tran wondered what the timeline was when this was all said and done: 90 days, 4 months or what since they would only be together for a period of two years. He wanted to set expectations for everything.

Councilmember Nuñez would like to see this work tied to the budget so include this in the budget. He wanted a timeline for the budget process. The City Manager stated April 11 was the date for a study session on General Fund. March 29 was the date for a study session on the CIP budget. Mr. Nuñez needed to get through these issues prior to April 11.

Vice Mayor Grilli replied that March 29 was established and then later in the month of April would be another meeting. The City Manager corrected his remark earlier and stated no meeting was planned April 11 and he would work with staff on finalizing other meeting dates.

Transportation and traffic were issues that came up on several lists.

Councilmember Nuñez had two questions. Was there a way to take those that were not priorities, if sent out to City Council, and would the Brown Act be met, if they don't share with each other? City Attorney Chris Diaz replied, sure. He recommended to send those only to the City Manager – the top 10 items.

Councilmember Nuñez inquired about the process to evaluate the City Manager and the City Attorney. It was early in the year so he wanted to know now what that was. The City Attorney responded based on his contract and that his performance could be reviewed annually. It was up to the Council when they wanted to do that. The City Manager replied that he was reviewed annually in December. He'd want to have a discussion with what the priorities of the Council were.

Councilmember Nuñez asked about use of the City seal. Mr. Williams described the regulation by ordinance permitting no use of it for other than official City business.

Councilmember Nuñez asked about volunteers and interns for the City Council and the policy. Mr. Williams said there was currently no process for volunteers or interns for City Council (there was for staff). Mr. Nuñez asked to place this topic on the agenda. Regarding the posting of City Council calendars, he noticed the Vice Mayor does post all on the calendar. He would like to learn how to get all meetings posted successfully for transparency.

Mayor Tran asked if it would be sensible to propose having a Council meeting every Tuesday, or maybe the first, second and third Tuesdays to break up the workload. The City Manager replied the Council could amend the Milpitas Municipal Code by ordinance if they wanted to change the schedule. Mr. Tran said he would like to meet first three Tuesdays routinely and proposed it. Vice Mayor Grilli replied that

she would not be able to do what the Mayor suggested since she attended another meeting on second Tuesdays each month.

City Attorney Diaz explained that the Council could agree to have a Special Meeting when needed, and not adopt any ordinance. Another option was that the group could adjourn to another date the same week, if needed, to continue discussion of items not done on a regular meeting Tuesday. Mayor Tran then rescinded his extra meeting request.

Councilmember Nuñez remarked on the inability to hear Council deliberations or votes taken. He would like to have summarized what the vote was, and to know what the outcome was of each item.

On minority languages, the City Manager reported that he was talking to the Information Services department staff about how to communicate for webcast of Closed Captioned Council meetings.

Topics previously that were introduced include Charter City, Sanctuary City, Social Media Policy for City Council, representation and invitations to speak as a City representative at events. These items for discussion were pending, said the City Manager.

Mayor Tran noted Councilmember Phan was not present and two items on the agenda at this meeting were suggested by him. Councilmember Nuñez stated he was ready to move forward to vote on the charter city issue. Vice Mayor Grilli agreed with Mr. Nuñez and did not want to spend time on this subject after hearing from the community.

On a motion by Vice Mayor Grilli, seconded by Councilmember Nuñez, the City Council voted 4 in favor and 1 absent (Mr. Phan), not to pursue the topic of charter city status (i.e. not to authorize staff to spend more than four hours of time to research that subject).

Regarding the issues of sanctuary city and the President's travel ban (topics for discussion requested by Councilmember Phan), Vice Mayor Grilli felt the Council did not have enough information to move forward. She suggested to put that agenda item off to a future date, which the Mayor supported.

On a motion by Mayor Tran, seconded by Vice Mayor Grilli, the City Council voted 4 in favor and 1 absent (Mr. Phan), to postpone discussion on Sanctuary City status and the travel ban.

Regarding the item on the agenda for New Business (amendments to agreements for solid waste services), the Mayor announced that would be continued to the March 21 Council agenda.

Mayor Tran asked to return to the powerpoint presentation, and review the list of projects. Vice Mayor Grilli had a list of six projects, and she wanted to share that with Councilmembers.

While Mayor Tran had proposed hosting a Town Hall Meeting, he was no longer proposing that idea on March 15. He would prefer to go to a small business in town to host an event himself, as an individual to speak on his vision for the City. He was checking in with the City Attorney on his approach.

Councilmember Nuñez commented on Vice Mayor Grilli's last item, regarding acquiring ability to develop the park next to the library. Some Councilmembers thought it was park land and to maintain it as park land on Main St. He wanted to learn the next steps and how to move forward on that idea.

Councilmember Nuñez also inquired about property next to Kentucky Fried Chicken. He asked if that was designated as a park also. The City Manager replied it's a remnant piece of land. The City Attorney was researching ownership and allowable land use.

Vice Mayor Grilli remarked that the former Mayor used to refer to that as park land, but she said the City Manager explained that it was not designated as park land.

Mayor Tran next discussed the idea of having a rescued animals policy. He submitted a new policy to the City Attorney for an idea to allow businesses to sell only rescued animals, not puppies that were bred for sale. With the Humane Society Silicon Valley here and as a dog lover, he wanted to protect those rescued animals. Vice Mayor Grilli understood that San Francisco recently adopted such a policy but Milpitas did not have any businesses that sold animals so the City may not need this policy. Some pet stores only have an adoption practice, not for sale.

Vice Mayor Grilli said there was a need to have a consensus as a Council, before spending staff time on an issue such as rescue animals. Mayor Tran replied he was thinking of residents and their concerns. They think his policy is a fantastic idea, he said. City Attorney Diaz said it would take more than four hours, so it could go on the March 21 agenda to seek consensus on him working on this topic.

Councilmember Barbadillo inquired if the Council could look at the Sports Fields issue on a future agenda soon. The City Manager said he would put it on the list with other top priorities.

Vice Mayor Grilli said for the short term, she especially cared about parking policy for neighborhoods.

Mayor Tran was encouraged by this meeting and their discussion at this meeting. All Councilmembers had heard the concerns of residents.

On the agenda was to establish the next Study Session. The City Manager heard from Council to have a form to finalize the major topics, to have a report to Council on background with future plans as known. He understood staff would need to provide more education and information to the Council, so the City Manager would be able to do that over a series of Council meetings, including calling for special meetings, as necessary.

Councilmember Nuñez reported that he recently went to a Valley Transportation Authority meeting, where he heard about changes on bus routes planned. It was brought to the Senior Advisory Commission so seniors would know what the changes were. He asked to place the route map on the City website and gave staff the maps.

Mayor Tran adjourned the Special City Council meeting at 8:02 PM.

**The foregoing minutes were approved by Milpitas City Council on March 21, 2017.**

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**Mary Lavelle**  
**Milpitas City Clerk**